

**MEMORANDUM  
TO THE HONORABLE JOHN GLEESON  
United States District Judge**

★ OCT 19 2005

**RE: LEARY, JENNIFER** BROOKLYN OFFICE  
**Docket No.: 03-CR-1207**  
**Response to Request for Early Termination**  
**of Probation**

Reference is made to the above-named probationer who was originally sentenced by Your Honor on May 5, 2004, to five (5) years Probation with a special condition for substance abuse treatment as directed by the Probation Department. A \$100 Special Assessment (which was satisfied on May 25, 2004) was also imposed. This sentence followed the probationer's guilty plea to one-count of "Conspiracy to Import MDMA," in violation of 21 U.S.C. 963 and 960(b)(3), a Class C Felony.

Due to the probationer's residency in Flagler Beach, Florida, the Northern District of Florida accepted a transfer of supervision of her case on June 18, 2004.

The purpose of this memorandum is to respond to the probationer's request for an early termination of her Probation term so that she may relocate to Costa Rica and assist her fiancée manage a restaurant. Our office has contacted U.S. Probation Officer Ricardo Ruiz of the Northern District of Florida, who has been supervising the probationer, regarding this request. U.S. Probation Officer Ruiz opposes the probationer's request for early termination on the following grounds.

The probationer has served only sixteen (16) months of a sixty (60) month Probation term. The instant offense involved an organized and international conspiracy to import and distribute MDMA, in which the probationer's role was that of a courier. As a result of the probationer's assistance to the government in the investigation, she received a substantial downward departure. Specifically, based upon a total offense level of 21 and a criminal history category of II, the probationer faced a Guideline imprisonment range of forty-one (41) to fifty-one (51) months. However, due to the aforementioned assistance, the Court sentenced her to five (5) years Probation.

The instant offense does not represent the probationer's first involvement in the criminal justice system. She has five prior arrests and convictions, one involving possession of cocaine, and, another involving driving while under the influence.

Additionally, as reflected in the presentence report, the probationer has a history of alcohol abuse and poly substance use. During the presentence interview, the probationer related that commencing in 1993, she began to consume alcohol excessively and used several illicit substances, including, marijuana, crack cocaine, amphetamines, heroin, and hallucinogens. As a Special Condition of Probation, Your Honor ordered that the probationer receive substance abuse treatment as directed by the Probation Department. According to U.S. Probation Officer Ruiz, the probationer completed outpatient drug treatment at Psychological Services on December 23, 2004, and all urinalyses of urine specimens submitted by the subject have been negative. However, in light of the probationer's history of extensive alcohol and illicit substance use, (which resulted in two prior arrests and convictions) it is the Probation Department's position that she requires further supervision in order to continue monitoring her recovery efforts.

Further, although the probationer's request for early termination is based upon her fiancée's plans to relocate his family restaurant from Florida to Costa Rica, she does not have an ownership share in this business, and would be an employee.


Our office has contacted Assistant U.S. Attorney, Jonathan E. Davis, who concurs with the Probation Department's recommendation to deny the probationer's request for an early termination.

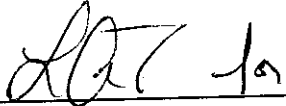
U.S. Probation Officer Ruiz requests that if the Court grants the probationer's request for early termination, that the term not be discharged until their office is able to collect a DNA sample from her.

Finally, if the Court denies the probationer's motion for an early termination of her Probation term, we request that the supervising Probation Department be granted the authority to grant or deny her future requests for permission to travel internationally. Your Honor may indicate the Court's decision on page three of this memorandum.

Very truly yours,

TONY GAROPPOLO  
CHIEF U.S. PROBATION OFFICER

PREPARED BY:   
Laura A. Tait  
U.S. Probation Officer

APPROVED BY:   
Lawrence M. Cavagnetto  
Supervising U.S. Probation Officer

Dated: September 15, 2005

cc.: Jonathan E. Davis, Esq.  
Neil B. Checkman, Esq.  
U.S. Probation Officer Ricardo Ruiz

THE COURT ORDERS:

- ☒ DENY REQUEST FOR EARLY TERMINATION AND AUTHORIZE THE SUPERVISING PROBATION DEPARTMENT TO AUTHORIZE INTERNATIONAL TRAVEL:

sJohn Gleeson

U.S. District Judge

Date

10-4-05

- ☐ GRANT REQUEST FOR EARLY TERMINATION FOLLOWING THE PROBATIONER'S COMPLIANCE WITH DNA TESTING:

U.S. District Judge

Date

- ☐ OTHER:

U.S District Judge

Date